

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JUSTYNA ZUBKO-VALVA, as Mother
and Natural Guardian of ANTHONY
VALVA and ANDREW VALVA, and as
Administratrix of the Estate of THOMAS
VALVA, and JUSTYNA ZUBKO-VALVA
Individually,

Plaintiffs,

– against –

THE COUNTY OF SUFFOLK, CPS
SENIOR CASEWORKER MICHELE
CLARK, Individually and in her Official
Capacity, CPS SUPERVISOR EDWARD
HEEPE, Individually and in his Official
Capacity, CPS ASSISTANT DIRECTOR
ROBERT LETO, Individually and in his
Official Capacity, CPS INVESTIGATOR
JENNIFER LANTZ, Individually and in
her Official Capacity CPS
INVESTIGATOR MELISSA ESTRADA,
Individually and in her Official Capacity,
CPS INVESTIGATOR LYDIA SABOSTO,
Individually and in her Official Capacity,
CPS SUPERVISOR JEAN MONTAGUE,
Individually and in her Official Capacity,
DEPARTMENT OF SOCIAL SERVICES
COUNTY ATTORNEY RANDALL
RATJE, ESQ., Individually and in his
Official Capacity, ATTORNEY FOR
CHILDREN DONNA MCCABE, ESQ.,
Individually and in her Official Capacity,
THE LAW OFFICE OF DONNA
MCCABE, SHANA CURTI, ESQ.,
Individually and in her Official Capacity,
ORSETTI & CURTI PLLC, EAST
MORICHES UNION FREE SCHOOL

NOT FOR PUBLICATION

MEMORANDUM

2:20-cv-2663 (ERK)(ARL)

DISTRICT, PRINCIPAL EDWARD SCHNEYER, Individually and in his Official Capacity, SCHOOL SUPERINTENDENT CHARLES RUSSO, Individually and in his Official Capacity, HOPE SCHWARTZ ZIMMERMAN, Individually, ATTORNEY FOR CHILDREN ETHAN HALPERN, ESQ, Individually and in his Official Capacity, THE LEGAL AID SOCIETY OF SUFFOLK COUNTY, INC., CHILDREN'S LAW BUREAU, MICHAEL VALVA, and ANGELA POLLINA.

Defendants.

KORMAN, J.:

Since I decided to divide one opinion on the motions to dismiss brought by the parties in this case into three opinions, I thought it would be useful to set out for the parties a summary of the claims that survive the motions to dismiss.

No claims remain against the following defendants: CPS Investigator Lydia Sabosto, CPS Supervisor Jean Montague, Department of Social Services County Attorney Randall Ratje, Shana Curti, Orsetti & Curti PLLC, Judge Hope Schwartz Zimmerman, and the Children's Law Bureau.

Suffolk County and the CPS Defendants

One claim remains against Suffolk County: the § 1983 claim for municipal liability. The following claims remain against CPS Senior Caseworker Michele Clark, CPS Supervisor Edward Heepe, CPS Assistant Director Robert Leto, CPS

Investigator Jennifer Lantz, and CPS Investigator Melissa Estrada: the § 1983 claims for deliberate indifference, denial of the right to a fair trial, and stigma plus.

The School Defendants

The following claims remain against East Moriches Union Free School District: the New York state law claims for wrongful death, conscious pain and suffering, intentional infliction of emotional distress, violation of Social Services law section 413, and negligent hiring, training, and retention. The following claims remain against School Superintendent Charles Russo and Principal Edward Schneyer: the New York state law claims for wrongful death, conscious pain and suffering, intentional infliction of emotional distress, and violation of Social Services law section 413.

Donna McCabe and Ethan Halpern

The following claims remain against Donna McCabe and Ethan Halpern: the New York state law claims for legal malpractice, wrongful death, conscious pain and suffering, and negligence. The following claim remains against the Law Office of Donna McCabe and the Legal Aid Society of Suffolk County: the New York state law claim for legal malpractice.

Michael Valva and Angela Pollina

Mrs. Valva has brought the following claims against Michael Valva and Angela Pollina: New York state law claims for wrongful death, conscious pain and suffering, assault, battery, intentional infliction of emotional distress, and

defamation. Mrs. Valva is advised to renew her default judgment motions against these defendants.

Brooklyn, New York
June 24, 2022

Edward R. Korman
Edward R. Korman
United States District Judge